SUPREME COURT OF THE UNITED STATES

WILLIE JASPER DARDEN *v.* RICHARD L. DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 87-6173. Decided March 7, 1988

The petition for a writ of certiorari is denied.

JUSTICE BRENNAN and JUSTICE MARSHALL dissenting:

Adhering to our views that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments, *Gregg* v. *Georgia*, 428 U. S. 153, 227, 231 (1976), we would grant certiorari and vacate the death sentence in this case.

JUSTICE BLACKMUN, with whom JUSTICE BRENNAN and JUSTICE MARSHALL join, dissenting.

I would grant the petition for certiorari and summarily reverse the judgment below primarily for the reasons stated in the dissent in *Darden* v. *Wainwright*, —— U. S. ——, —— (1986). I was not persuaded then, and I am not persuaded now, that petitioner Willie Jasper Darden received a fair trial in the Florida courts. A person should not be condemned to die and be executed under any system of justice in this country without a fair trial.